

CARLOS M. RAMIREZ  
MAYOR

MONICA D. CUNNINGHAM  
CHIEF ADMINISTRATIVE OFFICER

ESTRELLA ESCOBAR  
EXECUTIVE ASSISTANT TO THE MAYOR

MARK THREADGILL  
EXECUTIVE ASSISTANT TO THE MAYOR



**CITY COUNCIL**

JAN SUMRALL  
DISTRICT NO. 1

ROSE RODRIGUEZ  
DISTRICT NO. 2

LARRY M. MEDINA  
DISTRICT NO. 3

JOHN COOK  
DISTRICT NO. 4

PRESI ORTEGA, JR.  
DISTRICT NO. 5

PAUL JOSEPH ESCOBAR  
DISTRICT NO. 6

LUIS G. SARIÑANA  
DISTRICT NO. 7

ELVIA G. HERNANDEZ  
DISTRICT NO. 8

REGULAR COUNCIL MEETING  
COUNCIL CHAMBERS  
JUNE 5, 2001  
9:00 A.M.

The City Council met in regular session at the above place and date. Mayor Carlos M. Ramirez present and presiding and the following Council Members answered roll call: Jan Sumrall, Rose Rodriguez, Larry M. Medina, John F. Cook, Luis G. Sariñana and Elvia G. Hernandez. Absent: Representative Presi Ortega. Meeting was called to order and the invocation was given by Ms. Carole Hunter, City Clerk, followed by the Pledge of Allegiance to the Flag of the United States of America, Mayor's Proclamations & Certificates.

Representative Paul Joseph Escobar was not present for the roll call. He entered the meeting at approximately 9:12 a.m.

.....  
Motion made by Representative Medina, seconded by Representative Sariñana, and unanimously carried to approve, as revised, all matters listed under the Consent Agenda unless otherwise noted.  
(Items approved under Consent Agenda will be shown with an asterisk {\*}).

Representative Sumrall was not present for the vote.

.....  
Mayor Carlos M. Ramirez addressed the new mural located behind the Council Members. Mayor Ramirez acknowledged that this was the last meeting for this Council and Administration and thanked El Pasoans for their support and confidence demonstrated during this Administration.

.....  
\*Motion made, seconded and unanimously carried to approve the Minutes for Regular City Council Meeting of April 24, 2001.

.....  
\*Motion made, seconded and unanimously carried to excuse Representative Ortega from the Regular Council Meeting of June 5, 2001.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien in the amount of SEVEN THOUSAND THREE HUNDRED AND NO 100THS DOLLARS (\$7,300.00 - \$3,000.00 loan/\$4,300.00 grant) whereby the City releases its lien against the following described real property:

Lot 8, and the West 15 feet of Lot 9, Block 88, FRANKLIN HEIGHTS ADDITION, an addition to the City of El Paso, El Paso County, Texas, also known and numbered as 1414 E. Nevada, El Paso, Texas 79902.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

THAT the Mayor on behalf of the City and the City Clerk, be authorized to sign a Release of Lien in the amount of EIGHT THOUSAND EIGHT HUNDRED FIFTY AND NO/100THS DOLLARS (\$8,850.00 - \$7,625 loan/\$1,225 grant) whereby the City releases its lien against the following described real property:

Lot 9 and 10, Block 16, LOGAN HEIGHTS ADDITION, an Addition to the City of El Paso, El Paso County, Texas, according to the plat thereof recorded in Volume 3, Page 46, Plat Records of El Paso County, Texas; also known and numbered as 4215 Thomason, El Paso, Texas 79930.

for consideration paid to the City in full satisfaction of that certain promissory note executed by the owner of the above-described real property and payable to the order of the City; and that the City Comptroller issue a refund check resulting from an overpayment on the loan in the amount of FIFTY AND 32/100THS DOLLARS (\$50.32).

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That facsimile signatures of the following individuals are authorized for Chase Manhattan Bank, Account Number 72061149977, TML Intergovernmental Emp. Benefits Pool.

Wendy N. Hebestreit, Comptroller  
Carole Hunter, City Clerk

This resolution supersedes all prior resolutions authorizing signatories for this account which are hereby revoked.

.....  
**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Amendment No. 2 to Texas Natural Resource Conservation Commission (TNRCC) Contract No. 582-1-87081, on behalf of the El Paso City-County Health and Environmental District. This amendment increases the total compensation by SIXTY THOUSAND DOLLARS AND 00/100 (\$60,00.00), for a total Contract amount of ONE HUNDRED TWELVE THOUSAND DOLLARS AND 00/100 (\$112,000.00)

770

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign all necessary documents and accept a grant award for a Juvenile Accountability Incentive Block Grant in the amount of \$272,210.00 from the Office of the Governor, Criminal Justice Division, for the purpose of hiring two officers and a clerk, providing partial funding for a juvenile prosecutor; providing residential services for juvenile offenders through JPD and purchasing equipment; and that the Mayor be authorized to execute on behalf of the City of El Paso, any grant amendments to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. In the event of loss or misuse of Criminal Justice Division funds, the City of El Paso assures that funds will be returned to CJD in full. Matching funds required in the amount of \$30,246.00.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign an agreement by and between the City of El Paso and the State of Texas for the provision of occasional traffic control assistance to the State in connection with construction or maintenance on state highways occurring in various locations within the City limits through June 30, 2002. The State will reimburse the City for its personnel and normal vehicle operation costs in providing the traffic control assistance.

\*Motion made, seconded and unanimously carried to delete the Resolution that the Mayor is hereby authorized to sign on behalf of the City of El Paso as the Metropolitan Planning Organization, (MPO), Amendment Number 2 to the February 22, 2000 agreement between the MPO and Carter & Burgess, Inc., consulting engineers, to permit the consulting engineers to obtain additional technical support for the development of the MPO regional travel demand model. No additional cost to the MPO or the City of El Paso will be incurred. All other provisions of the contract shall remain in full force and effect.

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Independent Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000/2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

**CAROLINA RECREATION CENTER  
NO. 510073, SUB-OBJECT 202214**

1. CONTRACTOR: Rebecca Becerra, Aerobics Instructor (Bodyworks)  
DATES: June 2, 2001, thru August 30, 2001  
RATE PER CL: \$15.70  
MAXIMUM AMT: \$1,020.50  
CONTRACT: 2000/2001-197

**MULTIPURPOSE CENTER  
NO. 510032, SUB-OBJECT 202215**

2. CONTRACTOR: Rod Crosby, Lighting Technician Teen Dance/Fiesta Caliente  
DATES: May 29, 2001, thru July 27, 2001  
RATE PER CL: \$23.50  
MAXIMUM AMT: \$1,551.00  
CONTRACT: 2000/2001-198

3. CONTRACTOR: Julie Fuentes, Exercise for Persons w/Disabilities  
DATES: May 22, 2000, thru August 31, 2001  
RATE PER HR: \$9.55  
MAXIMUM AMT: \$3,151.50  
CONTRACT: 2000/2001-199

**NORTHEAST RECREATION CENTER  
NO. 510107, SUB-OBJECT 202214**

4. CONTRACTOR: Richard Brown, Karate Instructor  
DATES: July 2, 2001, thru August 29, 2001  
RATE PER CL: \$20.00  
MAXIMUM AMT: \$360.00  
CONTRACT: 2000/2001-200

**PAVO REAL RECREATION CENTER  
NO. 510115, SUB-OBJECT 202215**

5. CONTRACTOR: Alejandro De La Vega, T-Ball Official  
DATES: May 23, 2001, thru July 28, 2001  
RATE PER GM: \$6.00  
MAXIMUM AMT: \$258.00  
CONTRACT: 2000/2001-201

**SAN JUAN RECREATION CENTER  
NO. 510123, SUB-OBJECT 202214**

6. CONTRACTOR: Gilbert De La Rosa, Basketball Official (play-offs)  
DATES: May 28, 2001, thru June 4, 2001  
RATE PER GM: \$5.00  
MAXIMUM AMT: \$100.00  
CONTRACT: 2000/2001-202

**SPORTS PROGRAMMING  
NO. 010215, SUB-OBJECT 202215**

7. CONTRACTOR: Siobhan M. Payne, Scorekeeper for Adult Basketball  
DATES: May 22, 2000, thru August 26, 2001  
RATE PER GM: \$8.00  
MAXIMUM AMT: \$896.00  
CONTRACT: 2000/2001-203

.....

## \* R E S O L U T I O N

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to execute the following Employee Contractor contracts on behalf of the Parks & Recreation Department. Funding for these contracts is in Fiscal Year 2000-2001 appropriations to be approved by the City Council, subject to approval by the City's Civil Service Commission.

#### AQUATICS

##### NO. 010281, SUB-OBJECT 201011

1.     CONTRACTOR:     Kyleen A. Almendarez, Outdoor Pool Manager  
       DATES:           May 14, 2001, thru September 30, 2001  
       RATES PER HR:   \$7.30  
       CONTRACT NO:   2000/2001-288
  
  2.     CONTRACTOR:     Derek Borrero, Outdoor Pool Manager  
       DATES:           May 14, 2001, thru September 30, 2001  
       RATES PER HR:   \$7.30  
       CONTRACT NO:   2000/2001-289
  
  3.     CONTRACTOR:     Melissa S. Castañeda, Swim Instructor I, Step 1  
       DATES:           May 11, 2001, thru September 30, 2001  
       RATES PER HR:   \$5.35  
       CONTRACT NO:   2000/2001-290
  
  4.     CONTRACTOR:     Douglas A. Long, Pool Manager Step I  
       DATES:           May 1, 2001, thru September 30, 2001  
       RATES PER HR:   \$7.30  
       CONTRACT NO:   2000/2001-291
  
  5.     CONTRACTOR:     Jennifer K. Sanchez, Outdoor Pool Manager  
       DATES:           May 14, 2001, thru September 30, 2001  
       RATES PER HR:   \$7.30  
       CONTRACT NO:   2000/2001-292
  
  6.     CONTRACTOR:     Adrian Skertchly, Outdoor Pool Manager  
       DATES:           May 14, 2001, thru September 30, 2001  
       RATES PER HR:   \$7.30  
       CONTRACT NO:   2000/2001-293
  
  7.     CONTRACTOR:     Alejandro Vargas, Jr., Outdoor Pool Manager  
       DATES:           May 24, 2001, thru September 30, 2001  
       RATES PER HR:   \$7.30  
       CONTRACT NO:   2000/2001-294
- .....

**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreements between the City of El Paso and the following Volunteers to present programs at various branches of the El Paso Public Library.

1. Carlos Perales
2. Keep El Paso Beautiful
3. Dominic Lannutti, UTEP Biology Department
4. Anita Lopez, Ysleta Del Sur Pueblo Dancers
5. Dr. Maceo Dailey, Department of African-American Studies/UTEP
6. Henry Keleen, El Paso Holocaust Museum
7. Marvin Nicchio
8. Melissa Cuff, Americorps

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Volunteer Services Agreements between the City of El Paso and the following Volunteers to present programs at various branches of the El Paso Public Library.

1. U. S. Border Patrol
2. June Dean, c/o Chapin High School
3. Phyllis Thurmond, El Paso Rockerettes
4. Animal Rescue
5. Mari Herman, Compadres Cat Club
6. Terry Carroll
7. Ruth Thomas, Railroad Model and Historical Association of El Paso
8. Dominic Lannutti, UTEP Biology Department

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **JOSE G. COBIAN** as an Accounting Technician for the City's Comptroller Department at the rate of \$12.22 per hour, not to exceed 40 hours per week. The contract period shall be from June 4, 2001 through December 3, 2001.

.....  
**\*RESOLUTION**

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

That the Mayor be authorized to sign a Personal Services Contract between the **CITY OF EL PASO** and **ROSARIO E. OLIVERA** as a Juvenile Compliance Coordinator for the Municipal Court at an annual salary of \$31,100.00. The Contract period shall be from June 25, 2001 through June 24, 2002 and is subject to the approval of the City's Civil Service Commission.

766

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

That the Mayor be authorized to sign Personal Services Contracts between the **CITY OF EL PASO** and **RAMONCITO SANCHEZ** and **VANESSA VANUELOS** to provide sign language interpreting services for City related matters on an as needed basis, primarily for Parks and Recreation activities, at the rate of \$7.00 per hour. The term of the contracts shall be for the period of June 6, 2001 through August 31, 2001.

**\*RESOLUTION**

You are hereby notified that at 9:00 a.m. on the 10<sup>th</sup> day of July, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 9411-15 Dyer Street in El Paso, Texas, which property is more particularly described as:

Tracts: 5A and 5C, Section 1, Block 81, Township 2, and Tract 1B, Section 2, Block 81, Township 2, Texas and Pacific Railway Company Surveys, City of El Paso, El Paso County, Texas, according to the resurvey of said Texas and Pacific Railway Company Surveys made by El Paso County, Texas for tax purposes

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Great Northeast Joint Venture C/O Bruce Rodsky, P. O. Box 13094, El Paso, Texas 79913-3094 is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

.....  
\*RESOLUTION

You are hereby notified that at 9:00 a.m. on the 24<sup>th</sup> day of July, 2001 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 500 S. Ochoa Street, in El Paso, Texas, which property is more particularly described as:

Lots: 11 and North ½ of Lot 12, Block 111, Campbell's Addition, an addition of the City of El Paso, El Paso County, Texas, according to the plat thereof, recorded in Volume 2, Page 68, Plat Records of El Paso County, Texas

is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Maria Elena Castruita, 417 S. Ochoa Street is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property a hereby required to submit at the hearing proof of the scope of any work that may be required to comply with the ordinance and the time it will take to reasonably perform the work.

If the Owner fail, neglect or refuse to comply with the order of City Council the City may pursue one, or all of the following actions:

- I) the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner show that the property is the Owners' lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

764



Motion made, seconded and unanimously carried to move to the Regular Agenda the request to transfer to the Department of Parks & Recreation the amount of \$2,900.00 from Representative Hernandez' discretionary funds.

Representative Hernandez explained that this would be the second summer that the southside children would not have access to a swimming pool. She stated that by providing the passes this would give the children something to do. She asked the other Council Members if they would be willing to donate monies from their discretionary funds for this worthy project.

Representative Medina stated that he would donate \$500.00 from his discretionary funds for Representative Hernandez' project.

Representative Sumrall asked Mr. Bill Chapman, Chief Financial Officer, if he would provide a statement of the Council Members discretionary funds.

Mr. Chapman responded that he would provide this information for all Council Members as soon as possible.

Mr. Charles Nutter, Director of Parks & Recreation, thanked Representative Hernandez for her generous donation. He stated that the children will greatly appreciate her generosity.

Motion made by Representative Hernandez, seconded by Representative Sariñana and unanimously carried to authorize the transfer to the Department of Parks and Recreation the amount of \$2,900.00 from Representative Hernandez' discretionary funds (District 8 account) to assist with the transportation and passes for the southside children that will not be able to use the Armijo pool due to the renovations.

.....  
\*Motion made, seconded and carried that RUTH REYES be appointed Assistant City Attorney, effective June 29, 2001 at a salary of \$41,000 per annum.

.....  
Motion made, seconded and carried to move to the Regular Agenda the appointment of Irene Ramirez as Assistant Deputy Director of Engineering.

Representative Sariñana stated that with the appointment of Ms. Ramirez the Engineering Department would improve greatly.

Representative Hernandez stated that it was a pleasure for her to have worked with Ms. Ramirez on the A&E Committee for the past two years.

Motion made by Representative Hernandez, seconded by Representative Sariñana and unanimously carried to confirm the appointment of Irene Ramirez, as Assistant Deputy Director of Engineering, EX-D, at a starting salary of \$71,369, effective June 6, 2001.

.....  
\*Motion made, seconded and unanimously carried to approve the request for the following name(s) to be placed on the Reinstatement list in accordance with Article VI, Section 6.10-10, of the Civil Service Charter Provisions:

- A. Arturo N. Gonzalez - Stores Clerk I
  - B. Christine Okane, Police Officer
- .....

\*Motion made, seconded and unanimously carried to approve the request to fill positions on a temporary basis in accordance with Article VI, Section 6.6-3, of the Civil Service Charter Provisions:

- A. Accounting Clerk, Street Department (1 position)
- B. Recreation Leader II, Parks & Recreation (1 position)
- C. Recreation Leader III, Parks & Recreation (1 position)

\*Motion made, seconded and unanimously carried to approve the following provisional appointment(s) in accordance with Article VI, Section 6.6-2, of the Civil Service Charter Provisions:

- A. Equipment Operator I, Street Department (1 position)
- B. Labor Foreman I, Street Department (2 positions)
- C. Shuttle Bus Operator, Airport (1 position)

\*Motion made, seconded and unanimously carried to approve the request from Roberto Enriquez, Jr. of the Sun Metro Department for Special Sick Leave.

\*Motion made, seconded and unanimously carried that the following tax refunds be approved:

- A. Flagstar Bank in the amount of \$1,344.32, overpayment of 2000 taxes.  
(PID #C340-999-046A-0760)
- B. Horacio Armando Munoz in the amount of \$1,412.37, overpayment of 2000 taxes.  
(PID #E222-999-1820-1300)
- C. USDA in the amount of \$6,430.44, overpayment of 2000 taxes.  
(PID #E369-001-0050-0030)
- D. Cendant Mortgage in the amount of \$1,095.48, overpayment of 2000 taxes.  
(PID #I256-999-0040-4900)
- E. North American Mortgage Company in the amount of \$5,138.31, overpayment of 1999 tax.  
(PID #M327-999-0080-0300)
- F. Transamerica Real Estate Tax Service in the amount of \$1,904.64, overpayment of 2000 taxes.  
(PID #M771-999-0280-0200)
- G. Texas Title Company in the amount of \$1,905.00, overpayment of 2000 taxes.  
(PID #M889-999-0100-2100)
- H. Adrian & Sandra R. Mercado in the amount of \$1,589.04, overpayment of 2000 taxes.  
(PID #P324-999-0170-3700)
- I. Josefina Salazar in the amount of \$500.00, overpayment of 2000 taxes.  
(PID #P677-999-0050-3300)
- J. Total Mortgage Solutions, LP in the amount of \$1,346.63, overpayment of 2000 taxes.  
(PID #S775-999-0030-1300)
- K. Ricardo Gutierrez in the amount of \$3,925.78, overpayment of 2000 taxes.  
(PID #V893-999-5490-2200)
- L. Gerardo & Sara Olivas in the amount of \$2,795.64, overpayment of 1999 taxes.  
(PID #V893-999-5620-0500)
- M. Transamerica RETS in the amount of \$735.16, overpayment of 1999 taxes.  
(PID #X579-000-2450-0100)

\*Motion made, seconded and unanimously carried to approve the request of Roxann Ortega/Greater El Paso District Physical Therapy to hold a foot race/walk on September 29, 2001 from 8:00 a.m. to 10:00 a.m. Route: Start at Ponder Park, north on Juniper, right on Edgemere to crossover at Hawkins, back on Edgemere to turnaround at the crossover before Airway, east on Edgemere, right onto Juniper and end at

Ponder Park. Approximately 300 persons, 1 vehicle, and 10-15 wheelchair racers will participate and 100 spectators are anticipated. This request includes permission to use amplification (1 bullhorn). Permit No. 01-060.

\*Motion made, seconded and unanimously carried to approve the request of Catholic Community of Corpus Christi to hold a procession on June 17, 2001 from 6:00 p.m. to 8:00 p.m. Route: Start at 451 Mockingbird to North Loop, right on North Loop to Tenango, left on Tenango, end at Corpus Christi Church - 9205 North Loop. Approximately 300 persons, 1 golf cart and 1 van will take part, and 200 spectators are anticipated. This request includes permission to use amplification (1 microphone, 1 amplifier, 2 speakers). Permit No. 01-059.

\*Motion made, seconded and unanimously carried to approve the request of Christian Joy Center to use amplification (2 speakers, 2 microphones-50 watts) at Eastwood Album Park on July 4, 2001 from 7:00 am. to 7:00 p.m. Approximately 500 persons will participate and 500 spectators are anticipated. Permit No. 01-061.

\*Motion made, seconded and unanimously carried to approve the request of La Hermosa Church to use amplification (4 amps, 1 mixer, 2 guitars, 1 base, 3 speakers, 6 microphones) at San Jacinto Plaza on June 30, 2001 from 5:00 p.m. to 10:00 p.m. Approximately 30 persons will use amplification. Permit No. 01-064.

\*Motion made, seconded and unanimously carried to approve the request of Monastery of Perpetual Adoration to hold a procession on June 17, 2001 from 9:00 a.m. to 11:00 a.m. Route: From monastery at Cotton and Magoffin to Cotton, to Myrtle, to Noble, to Magoffin, back to monastery. Approximately 200 persons and 1 golf cart will take part. This request includes permission to use amplification (P.A. amplifier & speaker - 150 watts). Permit No. 01-066.

\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-528 PARKS & RECREATION

This new appropriation funds the construction of a marquee sign at the Missouri Recreation Center. This outdoor sign will allow advertising of programs, services and facility rentals.

Increase	\$2,800.00	to	510081/500209/105020	Estimated Revenue
Increase	\$2,800.00	to	510081/500209/208003	Bldg Improvements

\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-545 AIRPORT

To set up remainder of funding for construction of Air Cargo Ramp #4 and Taxiway K extension.

Increase	\$	500.00	to	620021/AP0002/202205	Legal Notices
Increase	\$	1,000.00	to	620021/AP0002/202302	Print Shop Chgs
Increase	\$	500.00	to	620021/AP0002/202304	Mail Room Chgs
Increase	\$11,798,000.00	to	620021/AP0002/208027	CWIP Construction	
Increase	\$11,800,000.00	to	620021/AP0002/107001	Intrafund Transfer In	
Increase	\$11,800,000.00	to	620018/500002/107002	Estimated Revenue	
Increase	\$11,800,000.00	to	620018/500002/207001	Intrafund Trnsfr Out	

\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-548 MUSEUM OF ART

To appropriate donated funds for the purchase of cultural works.

Increase	\$17,666.64	to	154001/540006/105060	Donations
Increase	\$17,666.64	to	154001/540006/208011	Cultural Works

\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-551 AIRPORT

Transfer funds to cover advertising/promotional costs for the Parking Lot Cost Center.

Increase	\$2,045.00	to	620006/202116	Promotion
Decrease	\$2,045.00	from	620013/202116	Promotion

\*Motion made, seconded and unanimously carried to approve budget transfer BT2001-556 EQUIPMENT MAINTENANCE

Increased costs of fuel and parts.

Increase	\$100,000.00	to	370510/203121	Parts Purchases
Increase	\$400,000.00	to	370510/203124	Fuel Purchases
Increase	\$100,000.00	to	370510/203125	Outside Repairs
Increase	\$200,000.00	to	370510/104351	Maintenance Rev
Increase	\$400,000.00	to	370510/104352	Fuel Revenue

\*Motion made, seconded and unanimously carried to postpone one (1) week an Ordinance amending Title 15 (Public Services) of the El Paso Municipal Code, by amending Chapter 15.08 (Street rentals), Section 15.08.120 (Special privilege licenses) by establishing requirements and fees for the installation of temporary street displays within portions of public rights-of-way, the penalty being as provided in Section 15.08.120.K of the Code.

#### ORDINANCE 14863

The City Clerk read an Ordinance entitled: **AN ORDINANCE PERMITTING THE TORO COMPANY TO USE A PORTION OF NATIONS TOBIN PARK FROM 10:00 AM UNTIL 6:00 PM ON JUNE 16, 2001**

Motion duly made by Representative Rodriguez, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez

NAYS: None Absent: Council Member Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14864

The City Clerk read an Ordinance entitled: **AN ORDINANCE VACATING PORTIONS OF AMERICAN DRIVE AND NORTROP ROAD ABUTTING BLOCKS 4-C AND 4-A, EL PASO INTERNATIONAL AIRPORT TRACTS UNIT 5, AND UNIT 5 REPLAT SUBDIVISION, CITY OF EL PASO, EL PASO COUNTY, TEXAS.**

Motion duly made by Representative Medina, seconded by Representative Sumrall that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez

NAYS: None Absent: Council Member Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14865

The City Clerk read an Ordinance entitled: **AN ORDINANCE AUTHORIZING THE MAYOR TO SIGN A CONTRACT OF SALE AND WARRANTY DEED CONVEYING TO ACTION REAL PROPERTIES LOT 3, BLOCK 17, COLONIA DEL VALLE, SECTION "D", AN ADDITION TO THE CITY OF EL PASO, EL PASO COUNTY, TEXAS (9189 JALAPA DRIVE).**

Motion duly made by Representative Escobar, seconded by Representative Sariñana that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez

NAYS: None Absent: Council Member Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14866

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.040 (SCHEDULE IV - PARKING PROHIBITED ON CERTAIN HOURS ON CERTAIN STREET) PARAGRAPH 12.88.040 (J) (NO PARKING, 7:00 A.M. TO 4:00 P.M.) TO ADD A NEW LOCATION AT FAIRFAX STREET FROM SANDERS AVENUE TO DOWNS COURT, EAST SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Cook thanked Mr. Ted Marquez, Traffic Engineer Division Manager, for his work in addressing traffic problems near Irvin and Andress High Schools. He said he would appreciate it if the two schools would address their student bodies regarding prohibiting students from parking in the residential neighborhoods.

Motion duly made by Representative Cook, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez  
NAYS: None Absent: Council Member Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14867

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.030 (SCHEDULE III - PARKING PROHIBITED AT ALL TIMES ON CERTAIN STREETS) TO INCLUDE RIVER AVENUE FROM HAWTHORNE STREET TO LAWTON DRIVE, SOUTH SIDE ONLY. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Representative Hernandez thanked Mr. Ted Marquez, Traffic Engineer Division Manager, regarding his work on this project.

Motion duly made by Representative Hernandez, seconded by Representative Cook that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez  
NAYS: None Absent: Council Member Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

ORDINANCE 14868

The City Clerk read an Ordinance entitled: **AN ORDINANCE AMENDING TITLE 12 (VEHICLES AND TRAFFIC), CHAPTER 12.88 (SCHEDULES), SECTION 12.88.010 (SCHEDULE I - ONE-WAY STREETS) TO INCLUDE RIVER AVENUE, WESTBOUND FROM HAWTHORNE STREET TO LAWTON DRIVE. THE PENALTY BEING AS PROVIDED IN SECTION 12.84.010 OF THE EL PASO MUNICIPAL CODE.**

Motion duly made by Representative Hernandez, seconded by Representative Medina that the Ordinance be adopted. Whereupon the Mayor ordered that a vote be taken on the passage and adoption of the Ordinance which when so done resulted as follows:

AYES: Council Members Sumrall, Rodriguez, Medina, Cook, Escobar, Sariñana and Hernandez  
NAYS: None Absent: Council Member Ortega

Whereupon the Mayor ordered that the vote having been cast in favor of the Ordinance, the same be and the same is hereby adopted.

758

\*Motion made, seconded and unanimously carried to postpone two (2) weeks the Resolution approving Detailed Site Development Plan No. DP-01006, for portions of H.G. FOSTER SURVEY No. 260 and H.G. FOSTER SURVEY No. 261, El Paso, El Paso county, Texas (Stanton Street at Festival Drive, Mesa Hills Drive, Thunderbird Crest Lane), pursuant to Section 20.04.150 of the El Paso municipal code. Zone: PMD (Planned Mountain Development); Applicant: Pinnacle Partners, LP / Representative: Conde Inc.: 1790 Lee Trevino, Suite 400, El Paso Texas, 79936

.....  
RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 114 S. Virginia Street, in El Paso, Texas, which property is more particularly described as follows:

Lots: 17 through 20 and the South 16 feet of Lot 16, Block 205, Campbell Addition, an addition to the City of El Paso, El Paso County, Texas

is dilapidated, substandard, and unfit for human habitation or use; is a hazard to public health, safety, and welfare; and

WHEREAS, Richard Telles record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on June 5<sup>th</sup>, 2001; and

WHEREAS, the owner Richard Telles and his attorney Gary B. Weiser, APPEARED.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

1. That City Council having heard the evidence, makes the following findings:
  - a. That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired; and
2. That the City Council hereby orders Owner to comply with the following requirements:
  - a) That a complete set of plans be submitted to Plan Review within (10) days; and
  - b) That the required permits be obtained within (10) days; and
  - c) That the rehabilitation of the 3<sup>rd</sup> floor be completed within (30) days; and
  - d) That the rehabilitation of the entire structure be completed within (90) days; and
  - e) That a safe means of egress must be maintained at all times; and
  - f) The premises be cleaned of all weeds, trash and debris; and
  - g) That a Public Hearing be scheduled for September 11<sup>th</sup>, 2001 in the City Council Chambers to determine if the Council Order has been complied with and if not to determine penalties; and
  - h) That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and

- i) The Owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.
  - j) That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to repair the Building and clean the premises of all weeds, trash and debris and
3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall vacate the building and secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
4. That said Owners shall become personally liable for all costs incurred by City in connection with vacating, securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
5. That the costs incurred by the City in connection with the vacating, securing and cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner show that the property is the Owners lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law; and
7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
9. That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

Mayor Carlos M. Ramirez explained that the item was discussed two weeks ago and that the action taken at that meeting was to postpone for two weeks to allow the property owner to submit a complete plan as to how the property would be refurbished.



Mr. Thomas Maguire, Building Services, explained the two packets of information which was handed to Council Members prior to the discussion of this item. He explained that the packet dated "2001" contained documents which were submitted by the attorney representing the property owner. He stated that the City requested that the property owner submit a complete set of plans, a list of the repairs to be done, an engineer's report and recommendation discussing the possible structural problems at the building and a plot plan. The Building Services Department has not received a floor plan as of this date. Mr. Maguire also stated that the documents in the packet dated "1994" are a series of invoices from a plumbing contractor which explained what repairs the contractor would do as to each individual apartment, based on an agreement between the property owner and the plumbing contractor. He explained that the documents in the "2001" packet and the documents in the "1994" packet are remarkably similar. He stated that it seems as though the repairs listed in 1994 were never done and he does not have a plumbing permit for this address. He explained the electrical code violations, stating that the repairs listed in the "1994" packet and the "2001" packet are very similar as well. He explained that the electrical contractor did not investigate each individual apartment due to lack of access. Mr. Maguire said the Building Services Department is not satisfied with the documentation provided.

Representative Sariñana commented on the two packets of documents. He asked if the attorney representing the property owner had met with the Building Services Department personnel.

Mr. Maguire responded no. He explained that Mr. Weiser had come to the Building Services Department on June 4, 2001 and delivered packages of invoices and proposed repairs. He stated that he has not had any contact with Mr. Telles nor Mr. Weiser. He explained that he had an arrangement to meet with Representative Medina and Mr. Telles on June 1, 2001, unfortunately Mr. Telles did not appear.

Representative Hernandez asked to hear from Mr. Weiser, attorney representing the property owner, as to the status of what repairs have been completed.

Mr. Gary Weiser, attorney, stated that he does not believe Mr. Maguire and the Building Services Department have been responsive or responsible regarding this case. He spoke on the plumbing and water issues and the submittal of specific floor plan drawings. It was his understanding that, at the previous Council meeting two weeks ago, if he and his client submitted a proposal and plan satisfactory to Council Members, then Council Members would give his client an additional 90 days to rehabilitate the building. Mr. Weiser discussed written and/or verbal statements made by Mr. Maguire, Mr. Zamora, of Zamora Engineering, a letter submitted by William Kaster, Vice President of Southwestern Roofing, Mr. Frank Barraza, of El Paso Plumbing, a letter from C.J. Spike Contractors, Inc., and document(s) from Rio Electric. He briefly discussed not displacing the residents while the repairs take place.

He stated that Representative Hernandez has walked through the building many times and Representative Medina recently toured the building.

Mr. Weiser continued his presentation by stating that he feels Mr. Telles understands the seriousness of the allegations as to the property located on S. Virginia. He stated that work has been done and that these are not "slum" apartments.

Mr. Weiser responded to a question from Representative Cook that apartments 1 and 18 would need massive refurbishing requiring that the tenants be relocated, and arrangements have been made to relocate these individuals. He asked that Council Members be reasonable because Mr. Telles has moved toward making the necessary repairs to the building. He stated that it was not clear to him that Council Members required a plot plan and that all three floors in the building required detailed drawings. He stated what was clear to him was that a plan be developed and in those areas of possible structural problems, a sealed plan by an engineer be proposed.

Representative Hernandez stated that the property owner is concerned about the building and his tenants. She read from a document which stated that the contractors performing the rehabilitation have indicated that there is no danger to the residents while the refurbishing is being done. She encouraged Council Members to reconsider and allow the property owner an additional 90 days.

Mr. Weiser suggested that continual oversight occur during the construction phase of the building and that Mr. Telles would not object to having Mr. Maguire meet with the chief contractor every week or two weeks to ensure that progress has taken place.

Representative Hernandez added "and that permits are being sought".

Mr. Terry Williams, Director of Building Services, summed up by stating that Mr. Telles was given a listing of the violations and corrections which needed to be addressed six months ago. He explained what has and has not transpired in the past six months. He addressed the issue of affordable housing and the safety of the tenants. He addressed concerns regarding the third floor repairs and that those apartments would need to be vacated and the tenants relocated before the repairs could be made due to hazardous conditions. He explained that the Building Services Department required that the property owner identify the repairs needed to each floor, give a time frame for the completion of the repairs and explain where the tenants would be relocated during the rehabilitation.

Mayor Ramirez asked Mr. Williams what his Department's recommendation is. Mr. Williams stated that the recommendation is that Council Members condemn the property and then give the property owner 30 days to comply.

Representative Hernandez moved to give the property owner no more than 90 days to continue the rehabilitation of the property. There was no second to her Motion.

Representative Sumrall commented on the "1994" and "2001" documents. She was concerned that the "2001" documents did not have dates on them.

Mr. Weiser responded to Representative Sumrall's comments. Mayor Ramirez remarked that many of the documents do not have a date and/or signature on them. Representative Rodriguez commented on the invoices. Mr. Weiser responded to Representative Rodriguez' comments.

Representative Sumrall asked Mr. Williams if the property was condemned in 1994.

Mr. Williams explained that the Department had not reached the condemnation process in 1994. He stated that the City and the property owner reached an agreement to effect those repairs; however, no subsequent permits were taken out and no repair work was done.

Representative Medina spoke regarding an arranged tour he took of the building with Mr. Maguire and the property owner; however, Mr. Telles neglected to appear. He explained that he toured the building for several hours anyway and concurred that there were discrepancies of the City Code. Mr. Weiser commented regarding Representative Medina's comments.

Representative Cook explained that by State law the City is allowed to have a plan within 90 days.

Mr. McNabb clarified the process, time table and direction which Council Members can take regarding the property

Representative Cook recommended that Council Members add language to enhance the plan submitted by Mr. Telles. He then read these recommendations into the record and they were included in the Resolution shown above.

Mr. Williams stated that the Department can accept these recommendations and will clarify what is and is not included. Representative Hernandez commented on Representative Cook's recommendations.

Representative Escobar asked Mr. Weiser if Mr. Telles has the financial means to make the necessary repairs.

Mr. Weiser stated that Mr. Telles has already expended \$20,000.00 on the rehabilitation project to date.

Mr. Telles, property owner, stated that he has approached the Community Development Department regarding a rehabilitation loan. He stated that it would take a year to be approved. He invited Council Members to come and tour the building. He stated that he does have the financial means to repair the building.

Representative Escobar asked Mr. Telles to consider establishing a fund that would allow him to continue making the necessary repairs.

Mr. Telles remarked that he would not raise the rents and that he would take the necessary steps to comply with the City's recommendations.

At this time Representative Rodriguez seconded Representative Cook's Motion.

Mr. McNabb clarified that Council Members would be accepting the recommendations of the Building Services Department; however, the time table would be extended to 90 days. He also clarified that the Council Members would be voting to condemn the building.

Mr. McNabb explained what power Council Members have regarding condemnation(s).

Representative Cook reiterated that his Motion is a 90 day plan.

Mr. Weiser explained that Mr. Telles is opposed to the concept of condemning his property. He stated that the building is not a danger and asked for a postponement of the item. He added that the building is not uninhabitable.

Mr. McNabb explained that Council Members are moving to accept the recommendations of the Building Services Department which includes declaring the building to be condemned, not an Order to demolish. He added that if the property owner does not comply at the end of 90 days, Council Members have the option of enforcement powers.

Motion made by Representative Cook, seconded by Representative Rodriguez and carried to accept the recommendations made by Representative Cook, the Building Services Department and to adopt the above Resolution. Representative Hernandez voted Nay.

.....  
\*Motion made, seconded and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 2104 Lake Omega Street, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.  
.....

\*Motion made, seconded and unanimously carried to postpone four (4) weeks the public hearing to determine if the property located at 11334-11336 Lake Loy Drive, in the City of El Paso (legal description on file with the City Clerk) is a fire and safety hazard, and a nuisance and whether the same should be repaired or demolished.

.....  
Motion made by Representative Hernandez, seconded by Representative Sumrall and carried to move to the beginning of the Agenda the discussion and action concerning report and recommendations of Thomas C. DeWard concerning Basic Tier rates and surcharges of Time Warner Communications in the City of El Paso.

Representative Sumrall was not present for the vote to move the item to the beginning of the Agenda.

Mayor Carlos M. Ramirez explained that an Agreement has been recommended and that the Agreement contemplates three items.

Mr. Charlie McNabb, City Attorney, explained the items as follows: 1.) increase to basic rates would be approved minus 38 cents being removed from the requested increase; 2.) Time Warner has agreed to pay the City consultant's cost; and 3.) to pay the disputed franchise fee amount. This then settles all issues in the report.

Representative Sariñana asked how this would impact the basic rate payer(s).

Mayor Ramirez stated that the only area the City can regulate is the Basic Cable.

Ms. Susan Patten, Time Warner, explained that customers subscribing to Channels 2 through 23 would see a 38 cent decrease in prices. All other customers would see no change.

Representative Sumrall congratulated both Time Warner and the City on negotiating this Settlement. Sh stated that this will benefit those individuals subscribing to the lower tier.

Mayor Ramirez recognized the members of the Cable Commission and commended them on their hard work.

Motion made by Representative Sumrall, seconded by Representative Hernandez and carried that the City settle 2001 Basic Rate Dispute and 2001 Franchise Fee Dispute with Texas Cable Partners, L.P., d/b/a Time Warner Communications, as recommended by the City Attorney, and that the Mayor be authorized to sign a Compromise Agreement on behalf of the City.

.....  
Motion made by Representative Sariñana, seconded by Representative Escobar and unanimously carried that the following Ordinances, having been introduced pursuant to Section 3.9 of the El Paso City Charter, be advertised for public hearing:

- A. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III - Parking prohibited at all times on certain streets) to include Hercules Avenue from Comet Street to a point 122 feet east thereof, north side only. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.
- B. An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.010 (Schedule I - One-way streets) to include Rosa Avenue, westbound from Luna Street to Cebada Street. The penalty being as provided in Section 12.84.010 of the El Paso Municipal Code.

**PUBLIC HEARING WILL BE HELD ON JUNE 19, 2001 FOR ITEMS A - B**

- C. An Ordinance changing the zoning of a Portion of Lot 12, Block A, Collingsworth Subdivision, City of El Paso, El Paso County, Texas (185 Awbrey Street) from R-4 (Residential) to A-2 (Apartment). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Ignacio and Andrea Sotelo / Representative: Ignacio and Andrea Sotelo, 181 N. Awbrey, El Paso, TX 79925. ZC-01014.
- D. An Ordinance changing the zoning of a Portion of Tract 7, Pendale Acres, Unit 2, City of El Paso, El Paso County, Texas (445 Pendale Road) from R-F (Ranch-Farm) to R-2A (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Oscar and Jennifer Lujan / Representative: Oscar and Jennifer Lujan, 12232 Russolo Drive, El Paso, TX 79936. ZC-01021.
- E. An Ordinance changing the zoning of all of Tract 6B-1, 6B-2, 6C, 6C-1 and Portions of Tract 6A-1, Block 1, Upper Valley Surveys, City of El Paso, El Paso County, Texas (1222 Sunland Park Drive) as follows: Parcel 1, from A-O/sp (Apartment Office / special permit) to C-1 (Commercial); and Parcel 2, from A-O (Apartment Office) to C-1 (Commercial). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Bruce Walcut / Representative: David Rawlings, Archer Building Company, 200 N. Concepcion, El Paso, TX 79905. ZC-01022.
- F. An Ordinance changing the zoning of Lot 7, Connely Subdivision, City of El Paso, El Paso County, Texas (7033-7035 Ramos Court) from C-3 (Commercial) to A-3 (Apartment). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Maria Ester Acosta / Representative: Oscar Acosta, 8531 Euphrates, El Paso, TX 79907. ZC-01023.
- G. An Ordinance changing the zoning of Lots 36-58, Block 1, Lots 1-28, Block 3, and Lots 34-55, Block 2, Montana Palms Subdivision, City of El Paso, El Paso County, Texas (Turner Road and Nehemiah Place) from RMH/C (Residential Mobile Home/conditions) to R-5 (Residential). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Montana Palms of El Paso, Ltd. / Representative: R.L. Bowling III, Peter Yegge, 5819 Sun Valley, El Paso, TX 79924. ZC-01024.
- H. An Ordinance amending Ordinance No. 009543 which changed the zoning of a portion of Tract 2A, Block 41, YSLETA GRANT, a portion of a 20-foot road (vacated), Tract 20, Block 52, YSLETA GRANT, a portion of Tract 1A, Block 41, all of Tracts 18, 19, and 21, Block 52, YSLETA GRANT and a portion of a 20-Foot road (vacated), and which imposed certain conditions, by deleting Condition 2 thereof for Lots 1 to 4, Block 1; Lot 1, and Lots 4 to 10, Block 2; Lot 1, Block 3; and Lot 1, Block 4, AMERICAS INDUSTRIAL PARK (9000 Block of Joe Rodriguez Drive). The penalty being as provided in Section 20.68.010 of the El Paso Municipal Code. Applicant: Trade Key, Ltd. / Representative: James F. Ivey, 960 Americas Avenue North, El Paso, TX 79907. SC-01007.

**PUBLIC HEARING WILL BE HELD ON JUNE 26, 2001 FOR ITEMS C - H**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

ADDITION TO THE AGENDA

**\*RESOLUTION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:**

**THAT** the Mayor be authorized to sign a Cooperative Agreement for an Award from the United States Environmental Protection Agency for Federal assistance in the support of the Air Quality Activities for the City of El Paso in the amount of Three Hundred Fifty Thousand and No/100 Dollars (\$350,000.00).

Motion made, seconded and carried to move to the Regular Agenda the appointment of David R. Almonte as Director, Office of Management and Budget.

Representative Medina questioned why the number two and number three candidates declined the offer.

Ms. Monica D. Cunningham, Chief Administrative Officer, explained that the City does not ask why a candidate withdraws from a potential promotion. She stated her beliefs as to why the candidates might have withdrawn.

Ms. Terry Quezada, Assistant Director of Public Works, explained that she was honored to go through the process and to do as well as she had. She explained that she could serve the City in a number of capacities but is pleased to work with Mr. Ed Drusina, Director of Public Works, and would like to continue to do so.

Representative Sumrall and Representative Sariñana made comments.

Mayor Carlos M. Ramirez commented that Mr. Almonte has been very capable as the Interim Director and added that he works well with the OMB staff, CFO, CAO and Department Heads.

Representative Rodriguez questioned why the position was not offered to the number three candidate.

Ms. Cunningham explained the new Rule of Five. She stated that if Representative Rodriguez would like to discuss the item further she would need to move the item to Executive Session.

Motion was made by Representative Rodriguez, seconded by Representative Sariñana to go into Executive Session. No vote was taken.

Motion made by Representative Cook, seconded by Representative Sariñana to postpone this item until after Executive Session. The Motion passed, Representative Hernandez voted Nay.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried that the City Council retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Sections 551.071 - 551.076 to discuss any of the following:

Section 551.071	CONSULTATION WITH ATTORNEY
Section 551.072	DELIBERATION REGARDING REAL PROPERTY
Section 551.073	DELIBERATION REGARDING PROSPECTIVE GIFTS
Section 551.074	PERSONNEL MATTERS
Section 551.076	DELIBERATION REGARDING SECURITY DEVICES

- A. Manuel Cano, 93-COL-085
- B. Employee Pension Contributions, 00-C-305
- C. Redd Road/I-10 Business Park, Ltd. vs. City of El Paso, Cause No. 2001-1942, Our File No. 01-S-28
- D. Jose Ledee v. Civil Service Commission of the City of El Paso, Cause No. 98-3097
- E. Appointment of the Director, Office of Management and Budget.

Motion made, seconded and unanimously carried to adjourn the Executive Session and reconvene the meeting of the City Council, during which time motions were made as follows:

Motion made by Representative Medina, seconded by Representative Cook and carried that the settlement offer made on the collection claim entitled **CITY OF EL PASO v. MANUEL CANO; 93-COL-085** be **ACCEPTED** as recommended by the City Attorney.

Representative Escobar was not present for the vote.

Motion made by Representative Medina, seconded by Representative Sumrall and unanimously carried to postpone one (1) week Employee Pension Contributions, 00-C-305

Representative Escobar was not present for the vote.

Motion made by Representative Medina, seconded by Representative Sumrall and carried that the City Attorney be **AUTHORIZED SETTLEMENT AUTHORITY** in the lawsuit entitled **REDD ROAD/I-10 BUSINESS PARK, LTD. V. THE CITY OF EL PASO, Cause No. 2001-1942; Our File No. 01-S-28;** as recommended by the City Attorney.

Representative Escobar was not present for the vote.

Motion made by Representative Medina, seconded by Representative Cook and carried that the City Attorney be **AUTHORIZED TO FILE APPEAL WITH SUPREME COURT** in the lawsuit entitled **JOSE LEDEE V. CIVIL SERVICE COMMISSION OF THE CITY OF EL PASO, No. 08-00-00201-CV, Cause No. 98-3097;** as recommended by the City Attorney.

Representative Escobar was not present for the vote.

Motion made by Representative Hernandez, seconded by Representative Sumrall and unanimously carried to confirm the Mayor's appointment of David R. Almonte as Director, Office of Management and Budget, EX - B, at a starting salary of \$80,293, effective June 6, 2000.

Representative Escobar was not present for the vote.

Motion made by Representative Sariñana, seconded by Representative Sumrall and unanimously carried to adjourn this meeting at 11:30 a.m.

APPROVED AS TO CONTENT:

APPROVED AS TO FORM:

*Carole Hunter*

Carole Hunter, City Clerk

*Rita Rodriguez*

Rita Rodriguez, First Assistant City Attorney

REGULAR COUNCIL MEETING - JUNE 5, 2001

23

749

